

GOA STATE INFORMATION COMMISSION

“Shrama Shakti Bhavan”, Ground Floor, Patto Plaza, Panaji – Goa.

CORAM: Smt. Leena Mehendale, State Chief Information Commissioner

Complaint 1/SCIC/2013

Decided on: 30/05/2014

Shri Thomas G. Fernandes,
C/o Mr. Arcino Francisco Fernandes,
Behind Kunde Petrol Pump,
Shoba Apts. S-4,
Margao, Goa – 403601

V/s

1) Shri Amir Y. Parab,
Block Development Officer,
Mormugao BDO Office,
Vasco, Goa – 403 802

ORDER (Open Court)

This Complaint filed on 04.01.2012 arises from the RTI application made to the PIO namely the BDO of Mormugao on 01.10.2012. Its subject matter is – *Illegal Construction, Renovation, Construction–Repair-Renovation Activity Carried out by Foreign National without obtaining Permission from Village Panchayat, Verna.*

After not getting the reply within 30 days this complaint has been filed directly, requesting among other things, for a penalty of ₹ 25,000/- (Rupees Twenty Five Thousand Only). The prayer clause 2 & 5 mentions –

“The PIO should be directed to execute mandatory Action and Order, on the illegal construction.

As the PIO has been instrumental in embarrassing and harassing me in spite of my sever locomotive disability, therefore, as a disciplinary measure, the PIO may be stringently penalized”

Today at the time of hearing the then BDO Shri. Parab was present along with the Head Clerk from the office BDO, Vasco. They both admitted that no reply was given to the complainant although the RTI application was received. The PIO has further filed his submission stating that on receiving the RTI application and

the allegation of illegal structure by way of extension of the existing house done by Mrs. Maria Fernandes, he had carried out the inspection independent to a similar inspection separately carried out by the Village Panchayat. He had submitted necessary panchanama, check list, sketch etc. of his inspection on 22.02.2012. The same has been pending for further instructions by the Dy. Director of Panchayat. However, as the RTI application was received nearly 8 months later asking for inspection of the file, he has inadvertently failed to give any information. He further invited the complainant to visit the office of BDO, Vasco on 02.06.2014 and undertook that the Head Clerk will ensure that all certified documents shall be given to the complainant free of charge.

The issue of information thus gets settled and the complaint case is therefore closed. It brings me to the question of penalty under Section 20(1) to the then PIO Shri. Parab. Registry to open a new penalty case against Shri. Parab, PIO. He has already been advised to remain present on 25.06.2014 along with his say under Section 20(1) of the Act.

Registry should also issue notice to the Dy. Director of Panchayat under Section 4(1) (d) by forwarding a copy of the complaint and this order to him and asking his reply on prayer clause No. 4.

With the above directions the complaint is disposed. Operative part is declared in the open court. Parties may be informed of this detailed order. The new Penalty case under Section 20(1) and 4(1) (d) will continue as per separate notice as mentioned above.

Sd/-

(Leena Mehendale)

Goa State Chief Information Commissioner

Goa State Information Commission

Panaji-Goa